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W.A.No.1943 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A.No.1943 of 2011

and

M.P.No.1 of 2011

M/s. Manjula Pharma,
New No.113, Old No.125,
Nainiappa Naicken Street,
Chennai – 600 003.
Rep. by its Partner and
Competent person K.Ravi Shekar

.. Appellant

Vs.

- 1.The Director of Drugs Control,
Office of the Assistant Director of Drugs Control Zone – I,
DMS Compound,
Chennai – 600 006.
- 2.The Licensing Authority /
The Assistant Director of Drugs Control Zone – I,
DMS Compound,
Chennai – 600 006.
- 3.The Drug Inspector,
Park Town-I Range,
DMS Compound,
Chennai – 600 006.
- 4.The Drugs Inspector,



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Thiruvottiur Range,
Office of the Asst. Director of Drugs Control,
Thiruvallur Zone,
No.201, J.N.Road,
Thiruvallur – 602 001.

.. Respondents

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent, against the order dated 30.08.2011 made in W.P.No.3915 of 2011 passed by this Court.

For Appellant : Mr.N.Jothi
for Mr.M.C.Govindan

For RR 1 to 4 : Mr.P.Gurunathan
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by V.M.VELUMANI,J.)

The appellant - Manjula Pharma has filed the present appeal challenging the order of this Court dated 30.08.2011 made in W.P.No.3915 of 2011.

2.The appellant is a partnership firm carrying on business in the name and style of 'M/s. Manjula Pharma, New No.113, Old No.125, Nainiappa Naicken Street, Chennai – 600 003'. The Drugs Inspector



(Intelligence Wing) and Drugs Inspector, Park Town – I Range, inspected the premises of the appellant on various dates. Show cause notice dated 25.01.2011 was issued by the 2nd respondent to the appellant calling for explanation as to why their Drugs licenses bearing numbers 1011/M1/20B & 21B, both dated 02.08.1996 valid up to 31.12.2011 should not be cancelled by the licensing authority. The appellant filed Writ Petition in W.P.No.3915 of 2011 before this Court challenging the said show cause notice dated 25.01.2011. This Court by the order dated 30.08.2011 passed the following order:

“4.In view of the above, I consider it appropriate to dispose of the Writ Petition with a direction to the petitioner to submit an explanation to show cause notice, dated 25.01.2011, within a period of two weeks from the date of receipt of a copy of this order, and in the event of filing such explanation, it is for the respondents to consider and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible and till such time, the interim stay already granted by this Court shall continue.”



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3.Challenging the said order dated 30.08.2011 made in W.P.No.3915 of 2011, the petitioner has come out with the present appeal.

4.The learned counsel appearing for the appellant made various submissions including the jurisdiction to issue the said show cause notice. The learned counsel appearing for the appellant further submitted that Drug license filed by the appellant has been renewed and the same is valid upto 31.12.2026 and also filed additional grounds and additional typed set of papers.

5.Mr.P.Gurunathan, learned Additional Government Pleader appearing for the respondents submitted that the appellant has not submitted any explanation as per the order of this Court dated 30.08.2011. The license period expired on 31.12.2011 itself and nothing survives in the present appeal and prayed for dismissal of the appeal.

6.Heard the learned counsel appearing for the appellant as well as the learned Additional Additional Government Pleader appearing for the respondents and perused the entire materials on record.



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7.From the materials on record, it is seen that show cause notice dated 25.01.2011 is issued calling upon the appellant to submit his explanation as to why the license granted to appellant on 02.08.1996, which is valid up to 31.12.2011 should not be cancelled. Now the license period is over. According to learned counsel appearing for the appellant, the license is given to the petitioner's firm and the same is renewed up to 31.12.2026. In view of the fact that show cause notice issued for cancellation of license issued upto 31.12.2011 and the same has expired 11 years ago, nothing survives in the present Writ Appeal.

8.For the above reasons, the Writ Appeal stands dismissed. The order dated 30.08.2011 passed in W.P.No.3915 of 2011 shall stand confirmed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (R.H., J)
22.12.2022

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Index : Yes / No
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V.M.VELUMANI, J.
and

R.HEMALATHA, J.

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To

- 1.The Director of Drugs Control,
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DMS Compound, Chennai – 600 006.
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